

## CHAPTER 275

---

**GOVERNMENT - STATE**


---

**HOUSE BILL 20-1409**

BY REPRESENTATIVE(S) Benavidez and Garnett, Bird, Buentello, Caraveo, Cutter, Duran, Esgar, Gonzales-Gutierrez, Herod, Jackson, Jaquez Lewis, Kipp, McCluskie, Mullica, Singer, Sirota, Snyder, Tipper, Valdez A., Weissman, Woodrow, Becker; also SENATOR(S) Fields and Gonzales, Danielson, Fenberg, Ginal, Hansen, Moreno, Pettersen, Story, Todd, Winter, Garcia.

**AN ACT****CONCERNING DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT INSPECTIONS OF PENAL INSTITUTIONS.**

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** In Colorado Revised Statutes, 25-1.5-101, **amend** (1)(i)(I) as follows:

**25-1.5-101. Powers and duties of department - laboratory cash fund - report - definition - repeal.** (1) The department has, in addition to all other powers and duties imposed upon it by law, the powers and duties provided in this section as follows:

(i)(I)(A) To establish sanitary standards and make sanitary, sewerage, and health inspections and examinations for charitable, penal, and other public institutions. ~~and~~

(B) AS USED IN THIS SUBSECTION (1)(i), "PENAL INSTITUTION" MEANS ANY LOCAL DETENTION CENTER, CORRECTIONAL FACILITY, HOLDING FACILITY, SECURE RESIDENTIAL TREATMENT CENTER, PRISON, CAMP, OR OTHER FACILITY IN WHICH PERSONS ARE OR MAY BE LAWFULLY HELD IN CUSTODY, INCLUDING ANY PUBLIC OR PRIVATE FACILITY IN COLORADO THAT HOUSES OR DETAINS NONCITIZENS FOR PURPOSES OF CIVIL IMMIGRATION PROCEEDINGS, INCLUDING ANY FACILITY THAT HOUSES OR DETAINS MINORS, ON BEHALF OF THE FEDERAL OFFICE OF REFUGEE RESETTLEMENT OR THE UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT AGENCY.

(C) With respect to the state institutions under the department of human services specified in section 27-90-104 ~~C.R.S.~~, or under the department of corrections

---

*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

specified in section 17-1-104.3 (1)(b), ~~C.R.S.~~; such inspections and examinations ~~shall~~ MUST be made at least once each year AND ADDITIONAL UNANNOUNCED INSPECTIONS MAY BE CONDUCTED AFTER THE ANNUAL INSPECTION. Reports on such inspections of institutions under control of the department of human services or the department of corrections ~~shall~~ MUST be made to the executive director of the appropriate department for appropriate action, if any.

(D) WITH RESPECT TO ANY FACILITY THAT HOUSES OR DETAINS NONCITIZENS FOR PURPOSES OF CIVIL IMMIGRATION PROCEEDINGS, SUCH INSPECTIONS AND EXAMINATIONS MUST BE MADE ANNUALLY AND ADDITIONAL UNANNOUNCED INSPECTIONS MAY BE CONDUCTED AFTER THE ANNUAL INSPECTION.

(E) FOR THE STATE FISCAL YEAR COMMENCING JULY 1, 2020, FOR FACILITIES THAT HOUSE OR DETAIN NONCITIZENS AS OF SEPTEMBER 1, 2020, THE ANNUAL INSPECTION REQUIRED BY SUBSECTION (1)(i)(D) OF THIS SECTION MUST BE CONDUCTED PRIOR TO JANUARY 1, 2021, AND THE DEPARTMENT SHALL PRODUCE A REPORT ON THE INSPECTION PRIOR TO JANUARY 1, 2021, AND PROVIDE THE REPORT TO THE GOVERNOR AND MEMBERS OF THE JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND SENATE, OR ANY SUCCESSOR COMMITTEES. THIS SUBSECTION (1)(i)(E) IS REPEALED, EFFECTIVE JULY 1, 2021.

**SECTION 2. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: July 11, 2020